

REMARKS

Claims 1-8, 10-25 and 27-33 are pending in the application. Claims 27-33 are withdrawn from consideration. Claims 16-25 are rejected. Claims 1-8 and 10-15 are objected to. Applicants herein add new claim 34 and request entry of the same. New claim 34 recites “an assay” just as claims 20 and 21 from which it depends.

Regarding the Specification

The Examiner indicates in the aforementioned Advisory Action that there is no “Brief Description of the Drawings.” Applicants herein provide a description of the drawings as requested. No issue of new matter arises by way of this amendment to the specification since support for all of the description may be found in the specification (the priority document being WO 00/54052) at page 12, line 31 to page 13, line 24; page 14, line 22 to page 16, line 13; page 16, lines 29-30; page 17, line 9 to page 18, line 12; and page 18, line 26 to page 19, line 14.

Objection to the Claims

The Examiner objects to claims 1, 5-7 and 16 under 37 C.F.R. 1.75(i) because each active verb step is not indented. Applicants herein effect the requisite changes.

The Examiner objects to claims 16, 17 and 19 under 37 C.F.R. 1.75(c) as allegedly not further limiting a previous claim. Applicants herein rewrite claims 16 and 17 in independent format incorporating all the language of claim 1 into each of claims 16, 17. Applicants herein cancel claim 19 without prejudice. Applicants respectfully submit that claim 16 does in fact further define the invention as claim 1 recites “obtaining a sample of red blood cells separated from whole blood” whereas claim 16 recites “collecting a sample of blood from a subject.”

Rejection under 35 U.S.C. 112, second paragraph

The Examiner rejects claims 2-7 and 9-26 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. The Examiner highlights the reasons discussed below.

Claim 16 is allegedly unclear for reciting “detecting the proteins *ex vivo*” because obtaining a sample of red blood cells separated from whole blood and detecting necessarily involves preparing an “*ex vivo*” sample. Applicants herein delete the term “*ex vivo*.”

Claim 17 is allegedly unclear because “the other blood components” lacks antecedent basis. Applicants herein delete “the” thereby providing proper antecedent basis for “other blood components.”

Claim 19 is allegedly unclear because “detected by immunoassay” does not further limit claim 1 (and lacks antecedent basis) because claim 1 already recites that the detection is performed with an antibody. Applicants herein cancel claim 19 without prejudice.


Claims 20-24 are allegedly unclear because they recite both “human monocyte” and “U937” to describe the cells. The Examiner recommends cancelling “U937” in the claims and perhaps adding a new dependent claim to specify that the human monocyte cells are U937 cells. Applicants herein follow the Examiner’s advice and delete the term “U937” from each of claims 20-24 and herein add new claim 34 specifying the particular cell line of the human monocytes.

CONCLUSION

Applicants respectfully request entry of the foregoing amendments and remarks in the file history of the instant Application. The Claims as amended are believed to be in condition for allowance, and reconsideration and withdrawal of all of the outstanding rejections is therefore believed in order. Early and favorable action on the claims is earnestly solicited.

Respectfully submitted,

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